

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

HENRY JOINER,)	
)	
PLAINTIFF,)	
)	
v.)	CASE NO. 2:05-cv-478-F
)	WO
LES HAYES, III, <i>et al.</i> ,)	
)	
DEFENDANTS.)	

ORDER

After an independent review of the file, it is the ORDER, JUDGMENT and DECREE of the court that:

(1) The plaintiff's objection (Doc. #5) to the Recommendation of the Magistrate Judge (Doc. #3) filed on June 8, 2005 is OVERRULED;

(2) The Recommendation of the Magistrate Judge entered on May 26, 2005 is ADOPTED;

(3) The plaintiff's claims against the Honorable Les Hayes III are DISMISSED with prejudice in accordance with the directives of 28 U.S.C. § 1915(e)(2)(B)(i) & (iii).

(4) The plaintiff's claims against the Montgomery Municipal Court are DISMISSED with prejudice in accordance with the directives of 28 U.S.C. § 1915(e)(2)(B)(i).

(5) This case is DISMISSED prior to service of process.

(6) To the extent that plaintiff's objection (Doc. # 5) could be construed as containing a motion for appointment of counsel or a motion for leave to amend, those requests are DENIED.

DONE this 27th day of June, 2005.

/s/ Mark E. Fuller
CHIEF UNITED STATES DISTRICT JUDGE